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UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MARY E D'ANDREA  
Per 5/8  
Deputy Clerk

OHIO CASUALTY GROUP, as  
Subrogee of ERIC STAUB  
Plaintiff,

v.

J & J INVESTMENT MANAGEMENT  
COMPANY  
Defendant.

CIVIL ACTION NO.: CV01-0785  
JURY TRIAL DEMANDED

*J. K. An*

**PLAINTIFF'S MOTION TO COMPEL DISCOVERY RESPONSES  
ADDRESSED TO J & J INVESTMENT MANAGEMENT COMPANY**

Plaintiff, by its undersigned counsel, hereby moves for an Order compelling defendant J & J Investment Management Company to answer and respond to plaintiff's First Set of Interrogatories and Plaintiff's First Request for the Production of Documents and, in support thereof, plaintiff relies upon the facts and authorities in the accompanying Memorandum of Law.

Respectfully submitted,

COZEN O'CONNOR

HAYES A. HUNT, ESQUIRE

1900 Market Street

Philadelphia, PA 19103

(215) 665-4734

ATTORNEYS FOR PLAINTIFF

DATED: 1/7/02

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>OHIO CASUALTY GROUP, as</b>	:	
<b>Subrogee of ERIC STAUB</b>	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>CIVIL ACTION NO.: CV01-0785</b>
	:	<b>JURY TRIAL DEMANDED</b>
	:	
<b>J &amp; J INVESTMENT MANAGEMENT</b>	:	
<b>COMPANY</b>	:	
<b>Defendant.</b>	:	
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**MEMORANDUM OF LAW IN SUPPORT OF  
PLAINTIFF'S MOTION TO COMPEL DISCOVERY RESPONSES  
ADDRESSED TO J & J INVESTMENT MANAGEMENT COMPANY**

Plaintiff seeks an Order compelling Defendant J & J Investment Management Company ("J & J Investment") to serve answers and respond to plaintiff's First Request for Production of Documents and plaintiff's First Set of Interrogatories ("plaintiff's discovery requests"). Plaintiff's discovery requests were served on counsel for J & J Investment by letter dated July 27, 2001. Attached hereto as Exhibit "A".

On September 14, 2001, a Rule 16(f) Pretrial Conference was held with the Honorable Judge Yvette Kane in order to establish the applicable discovery cut-off dates in this matter. During this conference, Judge Kane ordered that all fact discovery be completed in this matter no later than January 25, 2001.

On October 3, 2001, counsel for plaintiff sent a letter to counsel for J & J Investment requesting that defendant's discovery responses be provided. Attached hereto as Exhibit "B". On November 21, 2001, following the deposition testimony of Officer Troy A. Cromer of the York Police Department, plaintiff's counsel asked counsel for J & J Investment, when he expected to complete his responses to plaintiff's discovery request. On that date, defense counsel assured plaintiff's counsel that the defendant's discovery responses would be forthcoming. On December 11, 2001, plaintiff sent a letter to counsel, again, requesting a

response to the outstanding discovery requests. Attached hereto as Exhibit "C". On December 28, 2001, plaintiff initiated a telephone call to defense counsel requesting responses to plaintiff's discovery requests. At that time, plaintiff's counsel explained the need to have these long overdue discovery responses in order to take further deposition testimony. On that date, counsel for defendant said the responses would be provided by December 31, 2001. Finally, on January 2, 2002, plaintiff's counsel sent a letter to defense counsel requesting responses to outstanding discovery in order to circumvent the need for judicial intervention. Attached hereto as Exhibit "D".

It is critical to plaintiff's ability to prosecute this matter effectively and expeditiously that defendant J&J Investment Management Company be ordered to provide full and sufficient responses to plaintiff's discovery requests prior to any further deposition testimony. As of the time of the filing of this Motion, J & J Investment Management Company has not responded to plaintiff's aforesaid letters attached hereto as Exhibits "A" through "D," thus requiring the filing of the instant Motion. Indeed, plaintiff's counsel has provided defendant, J & J Investment Management Company, with responses to defendant's First Set of Interrogatories, Requests for Production of Documents and three separate Supplemental Document Disclosures under F.R.C.P. 26(e), but counsel for J&J Investment Management Company has failed and refused to respond to plaintiff's letters, much less provide any responses to plaintiff's written discovery requests.

Accordingly plaintiff requests this Court to enter an Order directing defendant, J & J Investment Management Company, to serve full and sufficient answers in responses to the designated discovery requests of plaintiffs identified within correspondence attached as Exhibits "A" through "D," and that the proposed order attached hereto, or else be subject to imposition

of appropriate sanctions, including the attorney's fees associated with the filing of this Motion and/or the preclusion of evidence.

Respectfully submitted,

COZEN O'CONNOR



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HAYES A. HUNT, ESQUIRE

1900 Market Street

Philadelphia, PA 19103

(215) 665-4734

ATTORNEYS FOR PLAINTIFF

DATED: 1/7/02

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

OHIO CASUALTY GROUP, as  
Subrogee of ERIC STAUB  
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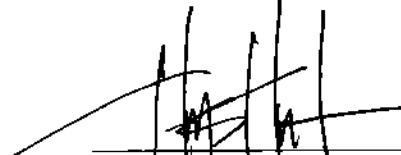
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LOCAL RULE 7.1  
CERTIFICATE OF NONCONCURRENCE

Hayes A. Hunt, Esquire, hereby certifies that plaintiff sought concurrence in the Motion to Compel Discovery Addressed to J&J Investment Management Company and such concurrence has been denied as fully set forth in plaintiff's accompanying Memorandum of Law.

Respectfully submitted,

COZEN O'CONNOR



HAYES A. HUNT, ESQUIRE  
1900 Market Street  
Philadelphia, PA 19103  
(215) 665-4734  
ATTORNEYS FOR PLAINTIFF

DATED: 1/7/02

**UNITED STATES DISTRICT COURT  
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**OHIO CASUALTY GROUP, as  
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**CIVIL ACTION NO.: CV01-0785  
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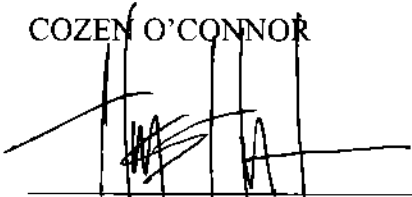
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**LOCAL RULE 26.3  
STATEMENT OF CONFERENCE TO RESOLVE OBJECTIONS**

Hayes A. Hunt, Esquire, hereby certifies that plaintiff conferred with counsel for the opposing party in a good faith effort to resolve by agreement, the issues raised by the Motion to Compel Discovery Responses Addressed to J & J Investment Management Company, without the intervention of the Court as fully described in plaintiff's accompanying Memorandum of Law, as explained in detail in Exhibits "A" through "D".

Respectfully submitted,

COZEN O'CONNOR

  
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HAYES A. HUNT, ESQUIRE

1900 Market Street

Philadelphia, PA 19103

(215) 665-4734

ATTORNEYS FOR PLAINTIFF

DATED: 1/7/02

**CERTIFICATE OF SERVICE**

**HAYES A. HUNT, ESQUIRE**, hereby certifies that a true and correct copy of the foregoing Plaintiff's Motion to Compel Discovery Responses Addressed to J & J Investment Management Company has been forwarded to the counsel listed below by the United States First-Class mail, postage pre-paid, on the 7<sup>th</sup> day of January, 2002 as follows:


Martin A. Durkin, Jr., Esquire

**DURKIN & ASSOCIATES**

One Penn Center, Suite 1520

1617 John F. Kennedy Blvd.

Philadelphia, PA 19103



HAYES A. HUNT, ESQUIRE